

USDC SDNY
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Defendants.

[illegible]

) Civil Action No. 1:11-cv-08006-NRB

ORDERED that Plaintiff's Motion is **GRANTED**, to the extent provided below:

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ORDERED that the Plaintiff may serve a Rule 45 subpoena also upon any intermediary Internet Service Provider that may be identified in response to a subpoena as providing internet services to one or more of the Doe defendants.

ORDERED that if and when an Internet Service Provider is served with a subpoena, the Provider shall give written notice, which may include e-mail notice, to any affected subscribers, and such notice shall inform the subscribers of their right to challenge the subpoena in this Court.

ORDERED that if the Internet Service Provider and/or any Defendant wishes to modify or quash a subpoena, such party must do so before the return date of the subpoena, which shall be thirty (30) days from the date of service.

ORDERED that subpoenas authorized by this Order and issued pursuant thereto shall be deemed appropriate court orders under 47 U.S.C. §551. In particular, 47 U.S.C. § 551(c)(2)(B) provides as follows:

"(c) Disclosure of personally identifiable information

"(2) A cable operator may disclose such information if the disclosure is—

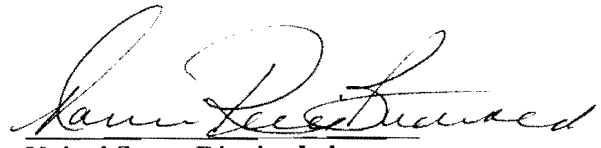
"(B) subject to subsection (h) [relating to disclosures to governmental agencies] of this section, made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed"

ORDERED that the Internet Service Provider shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash. It is further

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ORDERED that the plaintiff shall reimburse all Internet Service Providers who respond to this subpoena for the cost incurred for each IP address look-up, including notifying the relevant subscribers, and it is further

ORDERED that Plaintiff shall provide each subpoenaed Internet Service provider with a copy of this Order.

SO ORDERED this 8th day of December, 2011.


United States District Judge